

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7535

Investigation into: (1) petition of AARP, for the)
establishment of reduced rates for low-income)
consumers of Green Mountain Power Corporation and)
Central Vermont Public Service Corporation; and (2) as)
expanded to possibly include general applicability to all)
Vermont retail electric utilities)

Order entered: 6/28/2010

SCHEDULING ORDER

On June 2, 2010, the Vermont Department of Public Service ("Department") filed a motion (the "DPS Motion") for a revised procedural schedule (the "Proposed Schedule") in this docket. The following parties have stipulated to the adoption of the Proposed Schedule: Green Mountain Power Corporation; AARP; Central Vermont Public Service Corporation, Vermont Marble and the Group of Municipal Electric Utilities ("GMEU").¹ In a cover letter accompanying the DPS Motion, the Department stated that it had attempted to obtain the consent of International Business Machines Corporation and Vermont Electric Cooperative ("VEC") to the Proposed Schedule, but that neither of these parties had responded to the Department's efforts to contact them about this matter.²

The deadline for filing a response in opposition to the DPS Motion was June 17, 2010.³ To date, I have received no comments regarding the DPS Motion from the remaining, non-stipulating parties. I therefore conclude that there is no objection to the DPS Motion or to the

1. The GMEU is comprised of the following members: Barton Village, Inc. Electric Department, Village of Enosburg Falls Water & Light Department, Town of Hardwick Electric Department, Village of Hyde Park Electric Department, Village of Jacksonville Electric Company, Village of Johnson Water & Light Department, Village of Ludlow Electric Light Department, Village of Lyndonville Electric Department, Village of Morrisville Water & Light Department, Village of Northfield Electric Department, Village of Orleans, Inc. Electric Department, Town of Readsboro Electric Department, Swanton Village, Inc. Electric Department.

2. Letter from Sarah Hofmann, Esq., on behalf of the Department, to Susan Hudson, dated June 2, 2010.

3. See V.R.C.P. 78(b)(1).

Proposed Schedule. Accordingly, I hereby adopt the following procedural schedule, which largely reflects the proposal submitted by the DPS:

June 2, 2010	AARP files rebuttal testimony.
June 11, 2010	All parties except AARP serve discovery on AARP's rebuttal testimony.
June 23, 2010	AARP responds to rebuttal discovery.
July 2, 2010	All parties except AARP file surrebuttal testimony.
July 9, 2010	All parties serve discovery on surrebuttal testimony.
July 21, 2010	Responses to surrebuttal discovery. ⁴
July 28, 2010	All dispositive motions to be filed.
August 6, 2010	Responses to all dispositive motions to be filed. ⁵
Week of August 9, 2010	Technical hearings.
August 25, 2010	All parties file direct briefs.
September 1, 2010	All parties file reply briefs.

The revised procedural schedule I have adopted includes a filing deadline for dispositive motions of July 28, 2010. As I explained in the Procedural Order issued in this Docket on March 15, 2010, my intent in establishing such a filing deadline is to address a procedural ambiguity that arose from a legal memorandum filed on January 15, 2010, by GMEU and VEC.⁶ I remain concerned that the ambiguous nature of the legal memorandum filed by GMEU and

4. The Proposed Schedule indicates that the parties who have assented to the Proposed Schedule are also amenable to affording WEC an extension of three business days to respond to any discovery that may be served upon WEC on July 9, 2010. Proposed Schedule at 1, n. 1. Therefore, I hereby incorporate that limited extension for WEC into the procedural schedule I have set in this Order.

5. This reply date shall apply to the summary judgment motion filed by the Department on June 17, 2010. In that summary judgment motion, the Department is seeking dismissal of the AARP petition that occasioned the opening of this docket.

6. See Docket 7535, Order of 3/15/10 at 3.

VEC creates uncertainty for other parties in this docket as to whether and when they must file a response. Therefore, unless GMEU or VEC files on or before July 28, 2010, a formal motion for summary judgment that conforms to the requirements of V.R.C.P. 56, I will treat the legal memorandum filed by GMEU and VEC on January 15, 2010, as a direct brief that shall be considered in due course after the technical hearings. Accordingly, any party wishing to respond to the legal arguments raised by the GMEU/VEC Legal Memorandum may do so in the briefing phase of this docket, after the technical hearings.

Finally, I note that on June 17, 2010, the Department filed a summary judgment motion in this proceeding seeking dismissal of AARP's petition in this docket.

SO ORDERED.

Dated at Montpelier, Vermont, this 28th day of June, 2010.

s/ June E. Tierney
June E. Tierney, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: June 28, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)